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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,013	01/20/2004	Kiyoyuki Narimatsu	118380	6832
25944	7590	03/21/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			TOTH, KAREN E	
			ART UNIT	PAPER NUMBER
			3736	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/759,013

Applicant(s)

NARIMATSU, KIYOYUKI

Examiner

Karen E. Toth

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Paragraph [0022] on page 8 discloses "the probe 1." It is suggested that this be changed to --the probe 10--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Archibald'022 (US Patent 6245022) in view of Asmar'107 (US Patent 4469107).

Archibald'022 discloses a blood pressure sensor (element 10) comprising a main housing (element 14), a display panel (element 16), and a sensor assembly (element 22) (column 3, lines 7-9). Said sensor assembly contains pressure transducers

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(elements 26A and 26B) (column 4, lines 43-44); in use, the assembly is positioned over the artery of a subject (column 3, lines 36-37), and force is applied by the user in an axial direction to the wrist of the subject (column 3, lines 15-17). Archibald'022 does not disclose the indication of whether the pressure values detected by the sensors are suitable for measurement of a pressure pulse-wave.

Asmar'107 teaches a blood pressure measurement device comprising a sensor portion with a pressure transducer (element 20) and an light emitting diode (LED) indicator (element 25) (column 5, lines 59-63). Said LED is activated when a pressure signal measured by the pressure transducer is found to be a suitable measurement for pressure (column 8, line 67 to column 9, line 3).

It would have been obvious to one skilled in the art at the time the invention was made to have made the blood pressure sensor of Archibald'022 with the pressure value suitability indication of Asmar'107 so that the user may see when a suitable pressure measurement may be taken.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archibald'022 in view of Asmar'107.

Regarding Claim 2, Archibald'022 in view of Asmar'107 teaches all the elements of the current invention, as discussed in paragraph 3 above, except for the indicator providing indication of whether the detected value of pressure has reached a predetermined threshold.

Asmar'107 further teaches that the threshold level of the threshold detector (element 24) is a pre-set level (column 7, lines 13-15), and that the indicative LED

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(element 25) will only be activated once this threshold has been reached (column 8, line 67 to column 9, line 3), so that the proper pressure points are determined (column 6, lines 64-66).

It would have been obvious to one skilled in the art at the time the invention was made to have included the pre-set threshold level when making the blood pressure sensor of Archibald'022 with the pressure value suitability indication of Asmar'107 so that the proper pressure points are determined.

Regarding Claim 3, Archibald'022 in view of Asmar'107 teaches all the elements of the current invention except for the probe comprising a handle portion that is integral to the sensor portion and designed to be held by an operator.

Archibald'022 further teaches that said pressure sensor is contained within a main housing (element 140) that is designed to be held by the user when in use (column 3, lines 12-14). See figures 1 and 2 below.

Figure 1.
Figure 1 of Narimatsu Application No.
10/759013, showing "handle portion" 12.

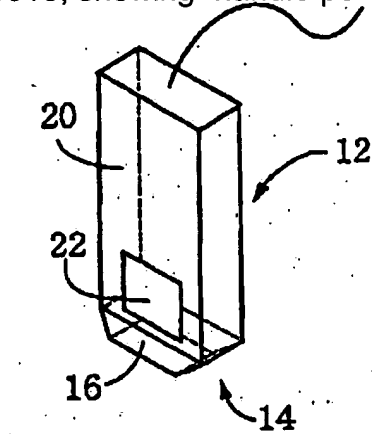
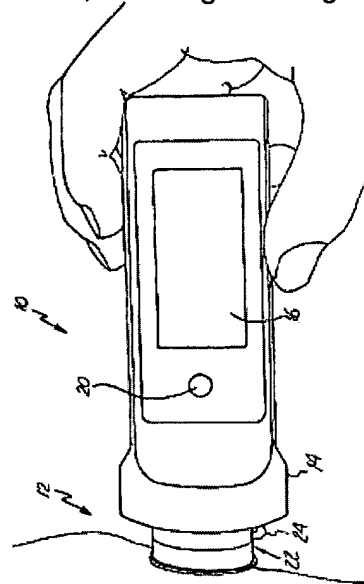


Figure 2.
Figure 1 of US Patent 6245022 to
Archibald, showing housing 14.



Allowable Subject Matter

5. Claim 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to anticipate or make obvious the structure of Claims 4-5, including, *inter-alia*, the presence of a plurality of indicating portions which are arranged parallel to their corresponding pressure-detecting elements for the purpose of indicating suitability of detected pressure signals.

The prior art of record also fails to anticipate or make obvious the structure of Claims 6-8, including, *inter-alia*, the presence of a plurality of indicating portions which

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are arranged on a plane parallel to their corresponding pressure-detecting elements for the purpose of indicating suitability of detected pressure signals.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Publication No. 2004/0010199 to Hashimoto et al, which discloses a pulse wave measuring apparatus with a display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen E. Toth whose telephone number is 571-272-6824. The examiner can normally be reached on Monday through Friday.

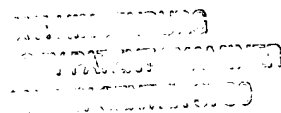
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "M. H. Kilens", with a stylized flourish at the end.A faint, illegible stamp or text block, possibly a date or administrative marking, located below the signature.